

REMARKS

I. The Status of the Claims

Claims 46-68 are pending in the present application. Claims 69-74 have been canceled.

II. The Rejection Under 35 U.S.C. § 102

The Office Action rejects claims 46-68 under 35 U.S.C. § 102 as being anticipated by Remenar et al. (US20060052432). Applicants respectfully traverse the rejection.

The above identified application and the Remenar et al. share priority with regard to two provisional patent applications, namely the two applications highlight below.

10/541,216	Pharmaceutical compositions with improved dissolution	10-04-2010::10:53:23
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Parent Continuity Data

Description	Parent Number	Parent Filing or 371(c) Date	Parent Status	Patent Number
This application is National Stage Entry of	PCT/US03/41273	12-24-2003	Published	-
is a continuation of	10/660,202	09-11-2003	Pending	-
Claims Priority from Provisional Application	60/486,713	07-11-2003	Expired	-
Claims Priority from Provisional Application	60/487,064	07-11-2003	Expired	-
is a continuation of	10/601,092	06-20-2003	Abandoned	-
Claims Priority from Provisional Application	60/459,501	04-01-2003	Expired	-
Claims Priority from Provisional Application	60/456,608	03-21-2003	Expired	-
Claims Priority from Provisional Application	60/456,027	03-18-2003	Expired	-
Claims Priority from Provisional Application	60/451,213	02-28-2003	Expired	-
Claims Priority from Provisional Application	60/441,335	01-21-2003	Expired	-
Claims Priority from Provisional Application	60/437,516	12-30-2002	Expired	-

Child Continuity Data

No Child Continuity Data Found

That is to say, the above-identified patent application and Remenar et al. each claim priority to U.S. applications nos. 60/456,027 ("the '027 application) and 60/437,516 ("the '516 application).

Matthew Peterson, Julius Remenar, Orn Almarsson, Hector Guzman, Hongming Chen, Mark Tawa and Mark Olivera are the named inventors on the '027 application. Matthew Peterson and Julius Remenar are the named inventors on the '516 application.

Matthew Peterson, Julius Remenar, Orn Almarsson, Hector Guzman, Hongming Chen, Mark Tawa and Mark Olivera, i.e., the same persons named as inventors on the '027 application, are the named inventors on the above-identified application. At page 3 of the Office Action, the Examiner cites to portions of Remenar et al. These very same portions appear on the '027 application as demonstrated below.

Disclosure Highlight by Examiner	Location in Remenar et al.	Location in the '027 Application
Low aqueous solubility of API (less than or equal to 10 mg/mL).	Paragraph [0172].	Page 9, lines 10-20.
API formulated with precipitation retardant.	Paragraph [0174].	Page 9, line 28 to page 10, line 12.
Retardant enhancers which include hydroxypropyl cellulose.	Paragraph [0182].	Page 10, lines 13-29.
Formulation with celecoxib sodium salt hydrate and a poloxamer and hydroxypropyl cellulose.	Example 15.	Example 15 at pages 56 et seq.

Reconsideration and withdrawal of the rejection of claims 46-68 under 35 U.S.C. § 102 as being anticipated by Remenar et al. are respectfully requested.

III. The Rejection Under 35 U.S.C. § 103

The Office Action rejects claims 46-68 under 35 U.S.C. § 103 as being obvious over Tawa et al. (US20070015841) in view of Remenar et al. Applicants respectfully traverse the rejection.

For the Examiner's information, Tawa et al. recently issued as U.S. Patent No. 7,790,905 ("the '905 patent"). Tawa et al. claims priority to six provisional patent applications. The above-identified patent application claims priority to each and every of these six applications. See below, where the applications that are claimed in the above-identified patent application are highlight.

10/747,742	PHARMACEUTICAL PROPYLENE GLYCOL SOLVATE COMPOSITIONS	10-04-2010::11:52:50
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Parent Continuity Data

Description	Parent Number	Parent Filing or 371(c) Date	Parent Status	Patent Number
This application Claims Priority from Provisional Application	60/486,713	07-11-2003	Expired	5800
Claims Priority from Provisional Application	60/459,501	04-01-2003	Expired	5800
Claims Priority from Provisional Application	60/456,698	03-21-2003	Expired	5800
Claims Priority from Provisional Application	60/456,027	03-18-2003	Expired	5800
Claims Priority from Provisional Application	60/441,335	01-21-2003	Expired	5800
Claims Priority from Provisional Application	60/437,516	12-30-2002	Expired	5800

Child Continuity Data

PCT/US04/09947 filed on 03-31-2004 which is Published claims the benefit of 10/747,742
10/551,014 filed on 09-29-2005 which is Abandoned claims the benefit of 10/747,742
12/839,550 filed on 07-20-2010 which is Pending claims the benefit of 10/747,742

Tawa et al. cannot be prior art to the above-identified patent application. In addition, for the reasons discussed above, Remenar et al. also cannot be prior art to the above-identified patent application. Reconsideration and withdrawal of the rejection of claims 46-68 under 35 U.S.C. § 103 as being obvious over Tawa et al. and Remenar et al. are respectfully requested.

IV. Conclusion

Early consideration and prompt allowance of the claims are respectfully requested. If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/TP15013USPCT6/LAD.

Respectfully submitted,

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